



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL EXAMINERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

PETER VERNIERO
Attorney General
MARK S. HERR
Director

October 23, 1996

Dr. Benito G. Garson
Carlstadt Animal Clinic
413 Hackensack Street
Carlstadt, New Jersey 07072

Mailing Address:
P.O. Box 45020
Newark NJ 07101
(201) 504-6500

Re: Case No. 96-28
Mary Chirichella

Dear Dr. Garson:

The New Jersey State Board of Veterinary Medical Examiners had the opportunity to meet with you for an Investigative Inquiry on September 25, 1996 relative to the above-captioned matter.

This is to advise you that, based upon your testimony and review of the records received, the Board has determined that you have engaged in professional misconduct in that:

1. You failed to take a medical history of complainant's cat.
2. You failed to adequately examine and treat complainant's cat.
3. You maintained poor patient records, in violation of N.J.A.C. 13:44-4.9 and, with regard to patient records for complainant's cat for December 11, 1995, you misrepresented to the Board that you did not see complainant's cat on that date and/or you failed to maintain and provide those records to the Board.
4. You are using the initials "VMD" after your name although you have not earned that degree. Graduates of veterinary colleges may use only the degree actually granted by their college or school of veterinary medicine. Since your degree was earned in Spain, you are required to use the initials "LV" ("Licenciado en Veterinaria") after your name, followed by the word "veterinarian" thus: Benito G. Garson, LV, Veterinarian. Attached for your information are AVMA Guidelines concerning this matter.

The Board has assessed a total civil penalty of \$4,000 plus costs of \$160.10. The civil penalty was determined as follows:


- (a) For failure to take a medical history and to adequately examine and treat complainant's cat, \$2,000 (\$1,000 for each of those counts of professional misconduct).
- (b) For maintaining poor records and misrepresentation and/or failure to maintain and provide patient records: \$2,000. In determining this penalty, the Board took into consideration the fact that you were previously admonished for poor recordkeeping.

You are hereby afforded the opportunity to dispose of this matter without a formal hearing and without recourse to litigation. In order to do so, you will be required to execute the attached form and return it to the Board within ten (10) days together with your remittance made payable to the Board of Veterinary Medical Examiners in the amount of \$4,160.10. You will also be required to cease and desist from using the initials "VMD" after your name.

However, if you choose not to accept the terms set forth above, you may request a formal hearing within ten (10) days of your receipt of this letter. At the time of hearing, you may appear with counsel of your choice and with witness and documentary evidence. At that time, the Board will not be bound to the terms stated in this letter and may, after presentation and evaluation of all the evidence presented, impose any of the sanctions contained in N.J.S.A. 45:1-22, which include revocation or suspension of licensure and assessment of penalties up to \$2,500 per violation. Additionally, the Board may, if the facts warrant, enter an order requiring the restoration of any monies acquired by unlawful acts and the payment of all costs involved in this matter.

If you fail to return the enclosed form or request a hearing within 10 days, the Board will make its final determination on the evidence in the record and will take such action as may be allowed by law, which may include additional penalties pursuant to N.J.A.C. 13:45C for failure to respond to official Board correspondence.

Very truly yours,


Audrey Weiner
Assistant Director

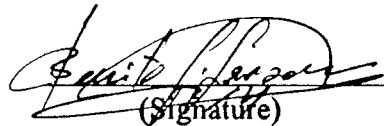
cc: Brenda Lewis, DAG

CERTIFICATION

I have received the Board's letter dated October 23, 1996 regarding alleged violations of the Board's enabling act and/or Board regulations.

PLEASE CHECK ONE:

- ☒ I hereby admit to the violations cited herein and remit herewith a certified check or money order in the amount of \$4,000.00 and \$160.00 in costs. I will cease and desist from using the initials V.M.D. after my name.
- ☐ I admit to the violations cited herein but wish to submit a written explanation to the Board to use as a mitigating factor in determining a final civil penalty.
- ☐ I am not guilty of this violation and request an administrative hearing on this matter.


(Signature)

Dated: 10/31/96

Benito G. GARSON
(Print Name)